

2D SESSION OF THE 26TH CONGRESS, 1840--'41.

Commencing Monday, December 7th, 1840.

THURSDAY, DECEMBER 17, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

Commissions having been granted during the recess of the Senate to the following persons for the offices respectively annexed to their names, I now nominate them to the same, viz:

John Gardner, register of the land office for the district of lands subject to sale at Winamac, in the State of Indiana, vice Edward A. Hannegan, resigned.

Samuel Crawford, receiver of public moneys for the district of lands subject to sale at Kaskaskia, in the State of Illinois, vice Edward Humphreys, deceased.

Elijah H. Gordy, receiver of public moneys for the district of lands subject to sale at St. Stephens, in the State of Alabama, vice Theodore I. Wilkinson, deceased.

John V. Ingersoll, register of the land office for the district of lands subject to sale at Mineral Point, in the Territory of Wisconsin, vice John P. Sheldon, removed.

Lunsford R. Noel, receiver of public moneys for the district of lands subject to sale at Danville, in the State of Illinois, vice Stenson H. Anderson, declined.

James H. Elliott, receiver of public moneys for the district of lands subject to sale at Winamac, in the State of Indiana, vice Jesse Jackson, deceased.

Paschall Bequette, receiver of public moneys for the district of lands subject to sale at Mineral Point, in the Territory of Wisconsin, vice David W. Jones, resigned.

Enos Lowe, register of the land office for the district of lands subject to sale at Burlington, in the Territory of Iowa, vice A. C. Dodge, resigned.

Cesaire Delahoussaye, register of the land office for the district of lands subject to sale at Opelousas, in the State of Louisiana, vice Robert N. Kelley, resigned.

Thomas Womack, receiver of public moneys for the district of lands subject to sale at Greensburg, in the State of Louisiana, vice William Bickham, resigned.

Lewis B. McCarty, register of the land office for the district of lands subject to sale at Demopolis, in the State of Alabama, vice Thomas Simpson, resigned.

M. VAN BUREN.

WASHINGTON, *Dec'r 8th*, 1840.

To the Senate of the United States :

Commissions having been granted during the recess of the Senate to the following persons for the offices respectively annexed to their names, I now nominate them to the same, viz :

John A. Parker, collector of the customs for the district and inspector of the revenue for the port of Tappahannock, in the State of Virginia, vice Robert S. Garnett, deceased.

Jacob P. De Forest, surveyor and inspector of the revenue for the port of St. Louis, in the State of Missouri, vice Nathan Ranney, resigned.

Ebenezer H. Stacy, surveyor of the district and inspector of the revenue for the port of Gloucester, in the State of Massachusetts, vice John M. Moriarty, resigned.

S. H. Page, surveyor and inspector of the revenue for the port of Pontchartrain, in the State of Louisiana, vice Benjamin Jones Shain, deceased.

M. VAN BUREN.

WASHINGTON, *Dec'r 8th*, 1840.

To the Senate of the United States :

I nominate Thomas Scott to be receiver of public moneys for the district of lands subject to sale at Vincennes, in the State of Indiana, vice John Law, resigned, to take effect the 31st of the present month.

M. VAN BUREN.

WASHINGTON, *Dec'r 8th*, 1840

To the Senate of the United States :

I nominate Samuel Merry to be receiver of public moneys for the district of lands subject to sale at St. Louis, in the State of Missouri, from the 23d of this month, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 10th*, 1840.

To the Senate of the United States :

I nominate for reappointment James McKissack to be register of the land office for the district of lands subject to sale at Fayetteville, in the State of Arkansas, from the 27th of this month, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 10th*, 1840.

To the Senate of the United States :

I nominate the persons named in the accompanying list for promotion and appointment in the Army of the United States to the several grades annexed to their names, as proposed by the Secretary of War in his letter, herewith.

M. VAN BUREN.

WAR DEPARTMENT, *December 11th*, 1840.

SIR: I have the honor, respectfully, to propose for your approbation, and for transmission to the Senate, the annexed list of officers for promotion and persons for appointment in the Army of the United States.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *December 11th 1840.*

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

Corps of Topographical Engineers.

First Lieutenant Howard Stansbury to be captain, 18th July, 1840, vice Hood, deceased.

Second Lieutenant Lorenzo Sitgreaves to be 1st lieutenant, 18th July, 1840, vice Stansbury, promoted.

Brevet Second Lieutenant George Thorn to be 2d lieutenant, 18th July, 1840, vice Sitgreaves, promoted.

First Regiment of Dragoons.

Brevet Second Lieutenant Richard S. Ewell to be 2d lieutenant, 1st November, 1840, vice Gaither, resigned.

Second Regiment of Artillery.

Second Lieutenant William B. Blair to be 1st lieutenant, 4th November, 1840, vice Bransford, deceased.

Fourth Regiment of Artillery.

Second Lieutenant Thomas Williams to be 1st lieutenant, 5th October, 1840, vice Tufts, deceased.

First Regiment of Infantry.

First Lieutenant George H. Pegram to be captain, 5th August, 1840, vice Day, deceased.

Second Lieutenant Ferdinand Coxe to be 1st lieutenant, 5th August, 1840, vice Pegram, promoted.

Brevet Second Lieutenant James N. Caldwell, of the 2d Infantry, to be 2d lieutenant, 5 August, 1840, vice Coxe, promoted.

Brevet Second Lieutenant Stephen D. Carpenter to be 2d lieutenant, 12 October, 1840, vice Paine, resigned.

Second Regiment of Infantry.

Brevet Major Joseph Plympton, captain of the 5 Infantry, to be major, 22d September, 1840, vice Loomis, promoted.

Third Regiment of Infantry.

Second Lieutenant James M. Smith to be 1st lieutenant, 2d October, 1840, vice Blanchard, resigned.

Brevet Second Lieutenant Oliver L. Shepherd, of the 4th Infantry, to be 2d lieutenant, 2d October, 1840, vice Smith, promoted.

Brevet Second Lieutenant William B. Johns, of the 8th Regiment of Infantry, to be 2d lieutenant, 18th November, 1840, vice Peyton, dropped.

Brevet Second Lieutenant Douglass S. Irwin, of the 6th Infantry, to be 2d lieutenant, 18th November, 1840, vice Lindenberger, dropped.

Fourth Regiment of Infantry.

Second Lieutenant Robert M. Cochrane to be 1st lieutenant, 4th October, 1840, vice Grandin, resigned.

Brevet Second Lieutenant Henry D. Wallen, of the 3d Infantry, to be 2d lieutenant, 4th October, 1840, vice Cochrane, promoted.

Fifth Regiment of Infantry.

First Lieutenant Caleb Sibley to be captain, 22d September, 1840, vice Plympton, promoted.

Second Lieutenant Carter L. Stevenson to be 1st lieutenant, 22d September, 1840, vice Sibley, promoted.

Second Lieutenant Nathan B. Rossell to be 1st lieutenant, 3d November, 1840, vice Whitehorne, deceased.

Brevet Second Lieutenant Pinkney Lugenbeel to be 2d lieutenant, 22d September, 1840, vice Stevenson, promoted.

Brevet Second Lieutenant Joseph L. Folsom, of the 8th Infantry, to be 2d lieutenant, 3d November, 1840, vice Rossell, promoted.

Sixth Regiment of Infantry.

Major Gustavus Loomis, of the 2d Infantry, to be lieutenant-colonel, 22d September, 1840, vice Green, deceased.

Eighth Regiment of Infantry.

First Lieutenant James M. Hill to be captain, 22d September, 1840, vice Bonnell, deceased.

First Lieutenant Henry McKavett to be captain, 1st October, 1840, vice Phillips, resigned.

Second Lieutenant George Lincoln to be 1st lieutenant, 28th September, 1840, vice Hill, promoted.

Second Lieutenant William C. Browne to be 1st lieutenant, 1st October, 1840, vice McKavett, promoted.

Brevet Second Lieutenant Henry Wardwell, of the 7th Infantry, to be 2d lieutenant, 28th September, 1840, vice Lincoln, promoted.

Brevet Second Lieutenant Robert P. Maclay, of the 6th Infantry, to be 2d lieutenant, 1st October, 1840, vice Brown, promoted.

Medical Department.

Richard F. Simpson, of the State of Virginia, to be assistant surgeon, 1st August, 1840.

William E. Fullwood, of the State of Georgia, to be assistant surgeon, 1st October, 1840.

Rev'd Martin P. Parks, of Virginia, to be chaplain and professor of geography, history, and ethics, to date from 5th December, 1840, vice the Rev'd Jasper Adams, resigned.

William H. T. Walker, late 1st lieutenant of the Sixth Infantry, to be first lieutenant in the same regiment, to take place next below Lieutenant Todd, and to rank the 1st February, 1838, the original date of his commission.

Christopher Andrews, paymaster, reappointed paymaster, to take effect on the 24th October, 1840, when his commission expired.

Donald Fraser, paymaster, reappointed paymaster, to take effect on the 29th October, 1840, when his commission expired.

A. A. Massias, paymaster, reappointed paymaster, to take effect on the 12th December, 1840, when his present commission will expire.

To the Senate of the United States :

I nominate William G. Crawley to be receiver of public moneys for the district of lands subject to sale at Augusta, in the State of Mississippi, vice A. H. Hall, resigned, to take effect the 31st of the present month.

M. VAN BUREN.

WASHINGTON, *December 14th*, 1840.

To the Senate of the United States :

I nominate Ezekiel Foster to be surveyor and inspector of the revenue for the port of Eastport, in the State of Maine, from the 8th of December, 1840, in place of Charles Peavey, whose commission then expired.

M. VAN BUREN.

WASHINGTON, *December 15th*, 1840.

To the Senate of the United States:

I nominate Lewis B. Tully to be register of the land office for the district of lands subject to sale at Batesville, in the State of Arkansas, vice Thomas Johnson, elected judge of the third judicial district of that State.

M. VAN BUREN.

WASHINGTON, *Dec'r 14th*, 1840.

I nominate to the Senate Solomon Cohen, to be attorney of the United States for the district of Georgia, in the place of Robert M. Charlton, resigned.

M. VAN BUREN.

WASHINGTON, *December 16th*, 1840.

I nominate to the Senate the persons herein named, whose commissions for the offices herein designated are about to expire :

James A. Bayard to be attorney of the United States for the district of Delaware from the 26th of December, 1840, when his present commission will expire.

Daniel Goodwin to be attorney of the United States for the district of Michigan from the 26th of January, 1841, when his present commission will expire.

Charles S. Sibley to be attorney of the United States for the middle district of Florida from the 9th of January, 1841, when his present commission will expire.

Francis S. Key to be attorney of the United States for the District of Columbia from the 29th of January, 1841, when his present commission will expire.

Nathaniel Williams to be attorney of the United States for the district of Maryland from the 6th of January, 1841, when his present commission will expire.

Jonas L. Sibley to be marshal of the United States for the district of Massachusetts from the 3d of March, 1841, when his present commission will expire.

Burrington Anthony to be marshal of the United States for the district of Rhode Island from the 6th of January, 1841, when his present commission will expire.

Thomas D. Condy to be marshal of the United States for the district of South Carolina from the 6th of January, 1841, when his present commission will expire.

Conrad Ten Eyck to be marshal of the United States for the district of Michigan from the 26th of January, 1841, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *December 16th*, 1840.

I nominate to the Senate the persons herein named, for the offices to which, as herein designated, they were appointed during the last recess of the Senate :

Montgomery Blair, of Missouri, to be attorney of the United States for the district of Missouri, in the place of Arthur L. Magenis, resigned.

Philip Schuyler, of New York, to be consul of the United States for the port of Liverpool, in the Kingdom of Great Britain, in the place of Francis B. Ogden, resigned.

Louis Tinelli, of New York, to be consul of the United States for the port of Oporto, in the Kingdom of Portugal.

Francis B. Ogden, of New Jersey, to be consul of the United States for the port of Bristol, in the Kingdom of Great Britain, in the place of Thomas Dennison.

Henry D. Gale, of New York, to be consul of the United States for the port of Velasco, in the Republic of Texas, in the place of Stewart Newall, resigned.

Christian Gobrecht, of Pennsylvania, to be engraver of the mint of the United States at Philadelphia, in the place of William Kneass, deceased.

Alexander H. Tyler, of Maryland, to be consul of the United States for the port of Bahia St. Salvador, in the Empire of Brazil in the place of Woodbridge Odlin, deceased.

M. VAN BUREN.

WASHINGTON, *December 16th*, 1840.

To the Senate of the United States :

I nominate Charles H. Bell to be a commander in the Navy from the 10th of September, 1840, at which time he was promoted to fill the vacancy occasioned by the death of Commander Edw'd B. Babbitt.

Daniel B. Ridgely, now a passed midshipman, to be a lieutenant in the Navy from the 10th of September, 1840, to fill the vacancy occasioned by the promotion of Chas. H. Bell.

John L. Ring, now a passed midshipman, to be a lieutenant in the Navy from the 26th of October, 1840, to fill a vacancy occasioned by the death of Lieutenant William G. Woolsey.

Edward Gilchrist, now a passed assistant surgeon, to be a surgeon in the Navy from the 27th of September, 1840, to fill a vacancy occasioned by the resignation of Surgeon John C. Mercer.

John A. Lockwood, now a passed assistant surgeon, to be a surgeon in the Navy from the 13th of October, 1840, to fill a vacancy which occurred by the death of Surgeon Mifflin Coulter.

Nathan T. H. Moore of Maryland, Joseph Hopkinson of Pennsylvania, John Thornley of Virginia, and Daniel L. Bryan of South Carolina, to be assistant surgeons in the Navy from the 13th of October,

1840, they having been appointed on that day to supply the wants of the service.

Rodman M. Price, of New Jersey, to be a purser in the Navy from the 5th of November, 1840, to fill a vacancy occasioned by the death of Purser Andrew McD. Jackson.

Levi Twiggs to be a major in the Marine Corps from the 15th November, 1840, to fill a vacancy occasioned by the death of Chas. R. Brown.

Job G. Williams to be a captain in the Marine Corps from the 15th of November, 1840, to fill the vacancy occasioned by the promotion of Levi Twiggs.

Thomas Theodore Sloan to be a first lieutenant in the Marine Corps from the 31st of October, 1840, to fill a vacancy occasioned by the death of Thomas L. C. Watkins.

Addison Garland to be a first lieutenant in the Marine Corps from the 15th of November, 1840, to fill the vacancy occasioned by the promotion of Job G. Williams.

Robert Tansill, of Virginia, to be a second lieutenant in the Marine Corps from the 4th of November, 1840, to fill the vacancy occasioned by the promotion of Thomas Theodore Sloan.

John J. Berret, of Maryland, to be a second lieutenant in the Marine Corps from the 15th of November, 1840, to fill the vacancy occasioned by the promotion of Addison Garland.

William B. Scott, of Maryland, to be a Navy agent for the navy-yard in the city of Washington and for the Navy Department for four years from the 8th of October, 1840, at which time he was appointed to fill the vacancy occasioned by the death of Elias Kane.

M. VAN BUREN.

WASHINGTON, *December 15th*, 1840.

The messages were read.

Ordered, That the nominations of John Gardner, Samuel Crawford, Elijah H. Gordy, John V. Ingersoll, Lunsford R. Noel, James H. Elliott, Paschall Bequette, Enos Lowe, Cesaire Delahoussaye, Thomas Womack, Lewis B. McCarty, Thomas Scott, Samuel Merry, James McKissack, William G. Crawley, and Lewis B. Tully be severally referred to the Committee on Public Lands.

Ordered, That the nominations of John A. Parker, Jacob P. De Forest, Ebenezer H. Stacy, S. H. Page, Ezekiel Foster, Philip Schuyler, Louis Tinelli, Francis B. Ogden, Henry D. Gale, and Alexander H. Tyler be severally referred to the Committee on Commerce.

Ordered, That the nominations for promotion and appointment in the Army of the United States be referred to the Committee on Military Affairs.

Ordered, That the nominations of Solomon Cohen, James A. Bayard, Daniel Goodwin, Charles S. Sibley, Francis S. Key, Nathaniel Williams, Jonas L. Sibley, Burrington Anthony, Thomas D. Condy, Conrad Ten Eyck, and Montgomery Blair, be severally referred to the Committee on the Judiciary.

Ordered, That the nomination of Christian Gobrecht be referred to the Committee on Finance.

Ordered, That the nominations for promotion and appointment in the Navy and Marine Corps be severally referred to the Committee on Naval Affairs.

Ordered, That the following message from the President of the United States, of the 10th instant, relating to the transfer of Chickasaw stock

to the Choctaw tribe of Indians, which was this day transferred from the Legislative Journal, be referred to the Committee on Indian Affairs.

To the Senate of the United States :

I transmit, for the action of the Senate, a communication from the Secretary of War, on the subject of the transfer of Chickasaw stock to the Choctaw tribe, which the accompanying papers explain.

M. VAN BUREN.

WASHINGTON, 10th December, 1840.

WAR DEPARTMENT, 10th December, 1840.

SIR: I have the honor to lay before you a communication from the Commissioner of Indian Affairs, relative to the transfer of \$500,000 Chickasaw stock, to the Choctaws, in execution of the compact of 17 January, 1837, between those tribes, that, if you think it advisable, you may assent to the proposed transfer and lay the matter before the Senate for the sanction of that body.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,

December —, 1840.

SIR: A compact was made on the 17 January, 1837, "subject to the approval of the President and Senate of the United States," which it received from the former on the 24th March, 1837, in conformity with the resolution of the Senate of 25th February, between the Choctaw and Chickasaw tribes of Indians, of which I have the honor to inclose a copy.

By this instrument the right to occupy a portion of the Choctaw country west of the Mississippi was, with certain privileges, secured to the Chickasaws, who agreed to pay therefor \$530,000, of which \$30,000 were paid in 1837, and the remaining \$500,000 it was agreed should be invested under the direction of the Government of the United States, and that the interest should be paid annually to the Choctaws.

There being no money to place in the hands of the United States, but a very large amount of Chickasaw stock under the direction of the Treasury, the reasonable desire of the Choctaws that this large fund belonging to them should be put in their own names on the books of the Government can be gratified by a transfer of so much of the stock to the Secretary of War for their use, upon which the interest will be received and paid over to them. This will be an execution of the agreement of the parties. A sale of stocks to raise the money, and then a reinvestment of it, according to the letter of the compact, ought not to be resorted to, on account of their present low price in the market.

In considering this subject in the course of the autumn, the 13th article of the treaty of 24th May, 1834, with the Chickasaws, was adverted to, by which it is provided, "If the Chickasaws shall be so fortunate as to procure a home within the limits of the United States, it is agreed that, with the consent of the President and Senate, so much of their invested stock as may be necessary to the purchase of a country for them to settle in shall be permitted to them to be sold, or the United States will advance the necessary amount upon a guarantee and pledge of an equal amount of their stocks." The compact before referred to having been ratified by the President and Senate, it was doubted

whether that was not a virtual consent to the application of so much of the stock as would be required to pay for the land and privileges contracted for by the said compact, and an authority for the transfer of it. The question was referred to the Attorney General, who was of opinion that the transfer could not be legally made without the assent of the President and Senate to the particular act.

I have, therefore, respectfully to request that you will lay the matter before the President, that if he concurs in the propriety of so doing he may give his own and ask the consent of the Senate to the proposed proceeding.

Very respectfully, y'r mo. ob't,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,
Secretary of War.

MONDAY, DECEMBER 21, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate George Johnson, of Virginia, to be Navy agent for the port of Pensacola, West Florida, for four years, in place of Thomas Eastin, removed.

M. VAN BUREN.

WASHINGTON, *December 19th*, 1840.

To the Senate of the United States :

I nominate Edmund Simmons to be surveyor and inspector of the revenue for the port of Currituck Inlet, in the State of North Carolina, vice John B. Jones, resigned.

M. VAN BUREN.

WASHINGTON, *Dec'r 21st*, 1840.

To the Senate of the United States :

I nominate for reappointment as register of the land office for the district of lands subject to sale at Chicago, in the State of Illinois, from the 27th day of December inst., when his present commission will expire, James M. Strode.

M. VAN BUREN.

WASHINGTON, *Dec'r 21st*, 1840.

I nominate to the Senate William Thompson and B. K. Morsell to be justices of the peace for the county of Washington, in the District of Columbia, from the 24th of December, 1840, when their present commissions will expire.

M. VAN BUREN.

WASHINGTON, *December 18th*, 1840.

To the Senate of the United States :

I transmit herewith, for the consideration of the Senate, with a view to its ratification, a treaty of commerce and navigation between the United States of America and His Majesty the King of the Belgians, signed at Washington on the 29th day of March, 1840.

M. VAN BUREN.

WASHINGTON, *21st December*, 1840.

The messages were read.

Ordered, That the nomination of George Johnson be referred to the Committee on Naval Affairs.

Ordered, That the nomination of Edmund Simmons be referred to the Committee on Commerce.

Ordered, That the nomination of James M. Strode be referred to the Committee on Public Lands.

On motion by Mr. Merrick,

The Senate, by unanimous consent, proceeded to consider the nominations of William Thompson and B. K. Morsell.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The treaty of commerce and navigation with the King of the Belgians was read.

On motion by Mr. Buchanan,

Ordered, That the treaty and message be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 17th instant, the nominations of Christopher Andrews, Donald Frazer, and A. A. Massias, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Sevier, from the Committee on Indian Affairs, to whom was referred, on the 17th instant, the message from the President relating to the transfer of the Chickasaws' stock to the Choctaw tribe of Indians, reported the following resolution, which was read and agreed to:

Whereas the 13 article of the treaty of 24 May, 1834, with the Chickasaw tribe of Indians, provides "that if they shall be so fortunate as to procure a home within the limits of the United States, so much of their invested stocks as may be necessary to the purchase of a country for them to settle in shall be permitted to them to be sold," with the consent of the President and Senate; and

Whereas the Chickasaws, by compact made with the Choctaws on 17 January, 1837, did purchase "a home," for which they are indebted to the Choctaws in the sum of five hundred thousand dollars: Therefore,

Be it resolved, That the consent of the Senate of the United States be, and the same is hereby, given to the transfer of the Chickasaws' stock, not exceeding five hundred thousand dollars, standing on the books of the Treasury to their credit, to the Secretary of War for the time being, to be held to and for the use of the Choctaws, according to the terms and in execution of the compact aforesaid of 17 January, 1837.

Mr. Wright, from the Committee on Finance, to whom was referred, on the 17 instant, the nomination of Christian Gobrecht, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

MONDAY, DECEMBER 29, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

Gentlemen of the Senate:

I nominate for your advice and consent Edmund B. Glascock to be deputy postmaster at Augusta, in the State of Georgia, for four years

from the 9th of January, 1841, at which time his present commission will expire.

James C. Coleman to be deputy postmaster at Maysville, in the State of Kentucky, for four years from the 11th of January, 1841, when his present commission will expire.

William D. Marrast to be deputy postmaster at Tuscaloosa, in the State of Alabama, for four years from the 11th of January, 1841, in place of Samuel G. Frierson, whose commission will expire at that time.

I also nominate for your advice and consent the following persons, who have been appointed during the recess of the Senate, and whose commissions will expire with the present session, to be deputy postmasters at the several places mentioned, viz:

Gabriel Montamat at New Orleans, Lou.

Howell Hobbs at Jackson, Miss.

M. VAN BUREN.

Gentlemen of the Senate:

I nominate for your advice and consent James W. Keys to be deputy postmaster at Springfield, in the State of Illinois, in place of John S. Roberts, resigned.

M. VAN BUREN.

I nominate to the Senate T. B. Livingston to be consul of the United States for the port of Halifax, in Nova Scotia, in the place of John Morrow, removed.

M. VAN BUREN.

WASHINGTON, *Dec'r 19th*, 1840.

I nominate to the Senate James Gettys, N. B. Vanzandt, and Nathaniel Brady to be justices of the peace for the county of Washington, in the District of Columbia, from the 24th of December, 1840, when their present commissions will expire.

M. VAN BUREN.

WASHINGTON, *December 23d*, 1840.

To the Senate of the United States:

I nominate Joseph Genois to be register of the land office for the district of lands subject to sale at New Orleans, in the State of Louisiana, vice P. A. St. Martin, resigned.

M. VAN BUREN.

WASHINGTON, *Dec'r 24th*, 1840.

To the Senate of the United States:

I nominate Julius De Mun to be register of the land office for the district of lands subject to sale at St. Louis, in the State of Missouri, from the 25th of February, 1841, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 28th*, 1840.

To the Senate of the United States:

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively annexed to their names, viz:

James Miller to be collector of the customs for the district of Salem and Beverly, in the State of Massachusetts, from the 3d of January, 1841.

Richard Sands to be collector of the customs for the district and inspector of the revenue for the port of Annapolis, in the State of Maryland, from the 8th of January, 1841.

William Frick to be collector of the customs for the district of Baltimore, in the State of Maryland, from the 9th of January, 1841.

Edwin I. Kelso to be collector of the customs for the district and inspector of the revenue for the port of Presque Isle, in the State of Pennsylvania, from the 9th of January, 1841.

Samuel S. Allen to be collector of the customs for the district of Bristol and Warren, in the State of Rhode Island, from the 9th of January, 1841.

Isaac Burdick to be naval officer for the district of Newport, in the State of Rhode Island, from the 28th of December, 1840.

Joseph Aborn to be surveyor and inspector of the revenue for the port of Pawtuxet, in the State of Rhode Island, from the 4th of January, 1841.

Charles B. Lenex to be surveyor and inspector of the revenue for the port of Bayou St. John, in the district of Mississippi, from the 8th of January, 1841.

M. VAN BUREN.

WASHINGTON, *Dec'r 28th*, 1840.

The messages were read.

Ordered, That the nominations of deputy postmasters be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nominations of T. B. Livingston, James Miller, Richard Sands, William Frick, Edwin I. Kelso, Samuel S. Allen, Isaac Burdick, Joseph Aborn, and Charles B. Lenex be severally referred to the Committee on Commerce.

Ordered, That the nominations of Joseph Genois and Julius De Mun be referred to the Committee on Public Lands.

On motion by Mr. Merrick,

The Senate, by unanimous consent, proceeded to consider the nominations of James Gettys, N. B. Vanzandt, and Nathaniel Brady.

Whereupon

Resolved, That the Senate advise and consent to their appointment, agreeably to the nominations respectively.

Mr. King, from the Committee on Commerce, to whom were referred, on the 17th instant, the nominations of John A. Parker, Jacob P. De Forest, Ebenezer H. Stacy, Ezekiel Foster, Philip Schuyler, Louis Tinelli, Francis B. Ogden, and Henry D. Gale, and, on the 21st instant, the nomination of Edmund Simmons, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John A. Parker, Jacob P. De Forest, Ebenezer H. Stacy, Ezekiel Foster, Philip Schuyler, Louis Tinelli, Francis B. Ogden, and Henry D. Gale, agreeably to their nominations respectively.

On motion by Mr. Graham,

Ordered, That the nomination of Edmund Simmons be laid on the table.

Mr. Fulton, from the Committee on Public Lands, to whom were referred, on the 17th instant, the nominations of John Gardner, Samuel Crawford, Elijah H. Gordy, John V. Ingersoll, Lunsford R. Noel, James H. Elliot, Paschall Bequette, Enos Lowe, Cesaire Delahoussaye, Thomas Womack, Lewis B. McCarty, Thomas Scott, Samuel Merry, James McKissack, William G. Crawley, and Lewis B. Tully, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to the nominations respectively.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 17th instant, the nominations of James A. Bayard, Daniel Goodwin, Charles S. Sibley, Francis S. Key, Nathaniel Williams, Montgomery Blair, and Solomon Cohen, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 17th instant, the nominations of Charles H. Bell, Daniel B. Ridgely, John L. Ring, Edward Gilchrist, John A. Lockwood, Nathan T. H. Moore, Joseph Hopkinson, John Thornley, Daniel S. Bryan, Levi Twiggs, Job G. Williams, Thomas Theodore Sloan, Addison Garland, and William B. Scott, and, on the 21st instant, the nomination of George Johnson, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion and appointment of the said persons, agreeably to their respective nominations.

THURSDAY, DECEMBER 31, 1840.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Purdy McElvain to be register of the land office for the district of lands subject to sale at Marion, in the State of Ohio, whose late commission expired on the 5th of July, 1840.

M. VAN BUREN.

WASHINGTON, *Dec'r 28th*, 1840.

To the Senate of the United States:

I nominate Samuel Simons to be collector of the customs for the district and inspector of the revenue for the port of Fairfield, in the State of Connecticut, from the 8th of January, 1841, when his present commission will expire.

I also nominate Joseph Aborn* to be surveyor and inspector of the revenue for the port of Pawtuxet, in the State of Rhode Island, from the 4th of January next, when his present commission will expire.

Also, Sylvester Brown to be collector of the customs for the district and inspector of the revenue for the port of Ocracoke, in the State of North Carolina, from the 10th of January next, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 29th*, 1840.

To the Senate of the United States:

I nominate Matthew Gayle to be receiver of public moneys for the district of lands subject to sale at Cahaba, in the State of Alabama, from the 11th of January, 1841, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 30th*, 1840.

* Joseph Aborn was previously nominated for the same office. See page 322.

To the Senate of the United States:

I transmit herewith for the consideration of the Senate, with a view to its ratification, a treaty of commerce and navigation between the United States and Portugal, signed at Lisbon, on the 26th day of August, eighteen hundred and forty, and certain letters relating thereto, of which a list is annexed.

M. VAN BUREN.

WASHINGTON, Dec'r 28th, 1840.

The messages were read.

Ordered, That the nominations of Purdy McElvain and Matthew Gayle be referred to the Committee on Public Lands.

Ordered, That the nominations of Samuel Simons, Joseph Aborn, and Sylvester Brown be referred to the Committee on Commerce.

The treaty with Portugal was read.

On motion by Mr. Buchanan,

Ordered, That the said treaty, with the message and accompanying documents, be referred to the Committee on Foreign Relations, and printed in confidence for the use of the Senate.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 21st instant, the treaty with His Majesty the King of the Belgians, reported the same to the Senate without amendment.

The Senate, as in Committee of the Whole, proceeded to consider the said treaty, and no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States of America and His Majesty the King of the Belgians, concluded at Washington on the 29th day of March, 1840.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 39.

Those who voted are,

Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Clayton, Crittenden, Dixon, Fulton, Graham, Henderson, Hubbard, Huntington, King, Knight, Linn, Lumpkin, Mangum, Merrick, Nicholas, Norvell, Phelps, Pierce, Prentiss, Preston, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Walker, Webster, Williams, Wright, Young.

Ordered, That the secretary lay the said resolution before the President of the United States.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 21st instant, the nomination of James M. Strode, and, on the 28th instant, those of Joseph Genois and Julius De Mun, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Pierce, from the Committee on Military Affairs, to whom were referred, on the 17th instant, the nominations for promotion and appointment in the Army, reported the following: Richard S. Ewell, William B. Blair, Thomas Williams, George H. Pegram, Ferdinand Coxe, James N. Caldwell, Stephen D. Carpenter, Joseph Plympton, James M. Smith, Oliver L. Shepherd, William B. Johns, Douglass S. Irwin, Robert M.

Cochrane, Henry D. Wallen, Caleb Sibley, Carter L. Stevenson, Nathan B. Rossell, Pinckney Lugenbeel, Joseph L. Folsom, Gustavus Loomis, James M. Hill, Henry McKavett, George Lincoln, William C. Browne, Henry Wardwell, Robert P. Maclay, Richard F. Simpson, William E. Fulwood, Martin P. Parks, and William H. T. Walker.

Whereupon

Resolved, That the Senate advise and consent to the promotion and appointment of the said persons, agreeably to the their respective nominations.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 17th instant, the nominations of Robert Tansill and John J. Berret, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations, respectively.

FRIDAY, JANUARY 8, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Edward F. Comegeys to be receiver of public moneys for the district of lands subject to sale at Tuscaloosa, in the State of Alabama, vice William G. Parish, resigned.

M. VAN BUREN.

WASHINGTON, *January 1st*, 1841.

I nominate to the Senate William H. Ward, of Kentucky, to be solicitor of the General Land Office of the United States, in the place of Samuel McRoberts, resigned.

M. VAN BUREN.

WASHINGTON, *Jan'y 2d*, 1841.

I nominate to the Senate Nathaniel Garrow to be marshal of the United States for the northern district of New York, from the 25th of February, 1841, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *January 4th*, 1841.

I nominate to the Senate Fidelio S. Hunt to be marshal of the United States for the southern district of Mississippi, from the first day of February, 1841, in the place of William M. Gwin, whose resignation will then take effect.

M. VAN BUREN.

WASHINGTON, *January 5th*, 1841.

I nominate to the Senate Oscar F. Bledsoe, of Mississippi, to be attorney of the United States for the northern district of Mississippi in the place of Samuel F. Butterworth, resigned.

M. VAN BUREN.

WASHINGTON, *January 5th*, 1841.

To the Senate of the United States :

I nominate Robert Emmet Hooe, now a passed midshipman, to be a lieutenant in the Navy, from the 21st of December, 1840, to fill a vacancy occasioned by the death of Lieutenant Gurden C. Ashton.

James M. Lockert, now a passed midshipman, to be a lieutenant in the Navy, from the 29th of December, 1840, to fill a vacancy occasioned by the dismissal of Lieutenant John C. Sharpe by sentence of a court-martial.

M. VAN BUREN.

WASHINGTON, 5th January, 1841.

To the Senate of the United States :

I nominate Abraham Wendall to be collector of the customs for the district and inspector of the revenue for the port of Michilimacinac, in the State of Michigan, from the 9th of February, 1841, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, January 8th, 1841.

I nominate to the Senate George Strobel, of Pennsylvania, to be consul of the United States for the port of Matanzas, in the island of Cuba, in the place of Daniel W. Courts, resigned.

M. VAN BUREN.

WASHINGTON, January 8th, 1841.

The messages were read.

On motion by Mr. King,

The Senate, by unanimous consent, proceeded to consider the nomination of Edward F. Comegeys.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Ordered, That the nomination of William H. Ward be referred to the Committee on Public Lands.

Ordered, That the nominations of Nathaniel Garrow, Fidelio S. Hunt, and Oscar F. Bledsoe be severally referred to the Committee on the Judiciary.

Ordered, That the nominations of Robert Emmet Hooe and James M. Lockert be referred to the Committee on Naval Affairs.

Ordered, That the nominations of Abraham Wendall and George Strobel be severally referred to the Committee on Commerce.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 17th of December last, the nominations of Burrington Anthony, Thomas D. Condry, and Conrad Ten Eyck, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 31st of December last, the nominations of Purdy McElvain and Matthew Gayle, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

WEDNESDAY, JANUARY 13, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate James S. McGinnis to be register of the land office for the district of lands subject to sale at Chillicothe, in the State of Ohio, vice Thomas Scott, whose commission will expire on the 9th of February, 1841.

M. VAN BUREN.

WASHINGTON, *January 11th*, 1841.

To the Senate of the United States :

I nominate David E. Moore to be receiver of public moneys for the district of lands subject to sale at Demopolis, in the State of Alabama, from the 2d of March, 1841, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *January 12th*, 1841.

I nominate to the Senate Francis I. Dunn to be secretary in and for the Territory of Wisconsin, from the 16th day of February, 1841, when the commission of the present incumbent will expire.

M. VAN BUREN.

WASHINGTON, *January 12th*, 1841.

The messages were read.

Ordered, That the nominations of James S. McGinnis and David E. Moore be severally referred to the Committee on Public Lands.

Ordered, That the nomination of Francis I. Dunn be referred to the Committee on the Judiciary.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 28th of December last, the nominations of Edmund B. Glascock, James C. Coleman, William D. Marrast, Gabriel Montamat, Howell Hobbs, and James W. Keys, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 17th of December last, the nominations of Howard Stansbury, Lorenzo Sitgreaves, and George Thorn, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 8th instant, the nominations of Fidelio S. Hunt and Oscar F. Bledsoe, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom was referred, on the 17th of December last, the nomination of Alexander H. Tyler; on the 28th of December, those of James Miller, Richard Sands, William Frick, Edwin I. Kelso, Samuel S. Allen, Isaac Burdick, Joseph Aborn, and Charles B. Leues; on the 31st of December, those of Sam-

nel Simons and Sylvester Brown, and, on the 8th instant, that of Abraham Wendall, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 8th instant, the nomination of William H. Ward, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

MONDAY, JANUARY 18, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate Robert A. Forsyth to be register of the land office for the district of lands subject to sale at Detroit, in the State of Michigan, vice Olmstead Hough, resigned.

M. VAN BUREN.

WASHINGTON, *January 14th*, 1841.

Gentlemen of the Senate :

I nominate for your advice and consent Robert W. Carson to be deputy postmaster at Galena, in the State of Illinois, in place of Allan Tomlin, resigned.

I also nominate for your advice and consent the following persons to be deputy postmasters at the several places named, the commissions allowed to each of the postmasters having exceeded one thousand dollars for the year ending on the 30th of June, 1840, viz :

James Mitchell at Nantucket, Mass.

William Cable at Steubenville, Ohio.

Joseph O. Jones at Terre Haute, Ind.

Barnet Williams at Little Rock, Ark.

M. VAN BUREN.

To the Senate of the United States :

I nominate the persons named in the accompanying list for promotion and appointment in the Army of the United States to the several grades annexed to their names, as proposed in the letter of the Secretary of War herewith.

M. VAN BUREN.

WASHINGTON, *January 15th*, 1841.

WAR DEPARTMENT, *January 15th*, 1841.

SIR: I have the honor respectfully to propose for your approbation and for transmission to the Senate the annexed list of officers for promotion and appointment in the Army of the United States.

Very respectfully, y'r mo. ob't serv.,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *January 15th, 1841.*

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

First Regiment of Dragoons.

First Lieutenant E. Steen to be captain, 31st December, 1840, vice Van Derveer, resigned.

Second Lieutenant Levi P. Davidson to be 1st lieutenant, 31st December, 1840, vice Steen, promoted.

Brevet Second Lieutenant John W. T. Gardiner to be 2d lieutenant, 31st December, 1840, vice Davidson, promoted.

Third Regiment of Infantry.

First Lieutenant Jefferson Van Horne to be captain, 1st December, 1840, vice Lewis, deceased.

Second Lieutenant Jacob Currier to be 1st lieutenant, 1st December, 1840, vice Van Horne, promoted.

Brevet Second Lieutenant Thomas Jordan, of the 5th Infantry, to be 2d lieutenant, 1st December, 1840, vice Currier, promoted.

Sixth Regiment of Infantry.

Second Lieutenant Thomas Hendrickson to be 1st lieutenant, 3d December, 1840, vice Berrien, deceased.

Brevet Second Lieutenant John D. Bacon, of the 2d Infantry, to be 2d lieutenant, 3d December, 1840, vice Hendrickson, promoted.

Seventh Regiment of Infantry.

Richard S. Smith, late lieutenant of the 2d Infantry, to be 2d lieutenant, 31st December, 1840, vice Sherwood, killed.

Quartermaster's Department.

First Lieutenant William Wall, of the 3d Regiment of Artillery, to be assistant quartermaster, with the rank of captain, 9th January, 1841, vice Terrett, resigned.

Adam D. Steuart to be paymaster, to take effect on the 14th January, 1841, when his commission expired.

To the Senate of the United States:

I submit herewith a treaty concluded with the Miami Indians for the cession of their lands in the State of Indiana. The circumstances attending this negotiation are fully set forth in the accompanying communication from the Secretary of War. Although the treaty was concluded without positive instructions and the usual official preliminaries, its terms appear to be so advantageous and the acquisition of these lands are deemed so desirable, by reason of their importance to the State of Indiana and the Government as well as on account of the Indians themselves, who will be greatly benefitted by their removal west, that I have thought it advisable to submit it to the action of the Senate.

M. VAN BUREN.

WASHINGTON, *January 4th, 1841.*

WAR DEPARTMENT, *January 4th*, 1841.

SIR: I have the honor to transmit herewith a treaty concluded with the Miami Indians, of the State of Indiana, to be laid before the Senate for their ratification if, upon due consideration of the circumstances under which this treaty was negotiated, you should think proper to do so. These circumstances are fully and correctly set forth in the accompanying communication from the Commissioner of Indian Affairs, to which I beg leave respectfully to refer you.

I have the honor to be, very respectfully, y^r mo. ob^t se^vt,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,
December 29th, 1840.

SIR: A treaty made with the Miami tribe of Indians, in the State of Indiana, on the 28th day of November last, for the residue of their lands in that State, has been unexpectedly received.

Great anxiety has been manifested by the citizens of Indiana, and made known by their representatives in both Houses of Congress, that a cession of the Miami land should be procured; and it seems to have been met by a correspondent disposition on the part of the leading men among the Indians. On the 25 May last a communication was received from General Samuel Milroy, subagent, &c., expressing the belief that the Miamies would treat, and that their principal chief was desirous, before the close of his life, now drawing near, to effect a negotiation, as in his opinion the emigration or extinction of the tribe were the alternatives before them, and suggesting that the most judicious course would be to conduct the business informally at the annuity payment. In reply he was informed, on the 2d July that the Department did not open negotiations for the purchase of Indian lands unless thereto previously authorized by Congress, and that, at the request of a portion of the representation of Indiana, an estimate had been furnished of the sum that would be required to hold a treaty, and that if the presumed intention of obtaining the estimate should be realized an effort would be made to execute the purpose for which the appropriation would be obtained. (Extracts from these letters, so far as they relate to the subject, are herewith sent, marked A.) On the 31st July he renewed the subject, accompanied by an extract of a letter of 22d July to himself from Allen Hamilton, esq., the confidential friend of Chief Richardville, urging the propriety of a negotiation. (B.)

On the 12th August, no appropriation having been made by Congress, a letter was addressed to you by the Hon. O. H. Smith, of the Senate U. S., from Indiana, inclosing a letter from Mr. Hamilton, dated on the 11th, urging the vast importance of treating with the Miamies, as well to them as to the State, and giving the reasons which, in the judgment of both, led to the conclusion that their particular case should form an exception to the general rule that obtains in regard of Indian treaties, and recommending strongly the appointment of General Milroy as a suitable person to conduct the negotiation. A communication of similar character (except the last feature), dated 20th August, was received from Mr. Milroy. The letter of the Hon. Mr. Smith was referred by you to this office, and on the 27th August, after a conference with you on the subject, I replied that exceptions to the rule stated might under very peculiar circumstances exist, but that, as the Senate certainly, and it was believed the House too, had rejected an application for an appropriation, the opening of a negotiation might be con-

sidered to be opposed to an expression of legislative opinion. In answer to the suggestion that little or perhaps no expense need be incurred, as the treaty could be made at the payment of the annuities, it was remarked that the consideration money must necessarily be large, as the Miami lands were very valuable, and an appropriation of it required, which Congress might be disinclined to grant after what had happened; that it was, therefore, deemed advisable to decline treating, and that perhaps a future application for legislative sanction might be more successful. Of this letter a copy was sent to General Milroy, as a reply, on the subject in hand, to his communication of 31st July, and his letter of 20th August was further answered on 2d September. (C.)

In consequence of the representations referred to, and probably others which did not reach me, you addressed me an unofficial note on 14th September, suggesting that Allen Hamilton, esq., might, at the payment of the annuities, make an arrangement with the Miamies that would be "gratifying to the people as well as beneficial to the service." With this expressed wish of the head of the Department, and after consultation with you, I wrote unofficial letters to General Samuel Milroy and to Allen Hamilton, esq., on the 18th September, setting forth the views of the Department as hereinbefore expressed in regard of precedent legislative sanction, and the importance to Indiana of treating with the Miamies, whose disposition to cede their remaining lands on just and equitable terms might not continue. It was thought, however, to be in keeping with the rule adopted to ascertain informally from the Miamies what they would be willing to take for their lands, when it was their pleasure to emigrate, &c. It was doubted whether it would be judicious to reduce the terms to writing, however informally, on account of the difficulty there might be in convincing the Indians that it was not a treaty, although it was desirable, if it could be safely done, that it should be so. And they were informed that a report from them would answer "all my purposes, as my object is to be able to say to each branch of Congress upon what terms the Miami lands can be had by the United States, so that if the terms are approved the necessary law may be passed." It was suggested that the annuity payment would afford a good opportunity for procuring the information desired, which it was expected could be had without any expense, for which there were no funds, and that if there were it would not be proper to expend them in the way proposed. (D.)

I desire to state the facts as they exist so fully as to exhibit precisely what has been the action of the Department, without going into more detail than may be necessary, and, therefore, annex extracts and copies of the papers referred to, instead of embodying them in this communication.

On the 28th day of November last a treaty was concluded by Messrs. Samuel Milroy and Allen Hamilton with "the chiefs, warriors, and headmen of the Miami tribe of Indians," which was received here on the 19th instant, accompanied by a letter explanatory of the treaty, and stating it to have been made by "the undersigned, acting under instructions contained in your unofficial letter dated September 18th, 1840"; that it was made at the annuity payment, when "the views and instructions of the Department" were "communicated to the Miami Indians in full council," and that, "after full consideration of the subject, they decided to reduce to treaty form a proposition or the terms upon which they would consent to cede their remaining lands in Indiana to the United States, subject, as they understand it, to the approval of the Department, and the approval and ratification of the

President and Senate of the United States, before being of any binding force or efficiency as a treaty." With the original treaty I send a copy of the explanatory letter, and of a communication from General Milroy giving the reasons for the money provisions made for the Chief Richardville and the family of Chief Godfroy. (E.)

It will be thus seen that the negotiation of a treaty was not authorized, but if, in the opinion of the President and Senate, it shall be advisable to adopt and confirm it, I do not see any legal objection to such a course. The quantity of land ceded is estimated at about 500,000 acres, for which the consideration is fixed at \$550,000, or \$1.10 per acre, of which \$250,000 are payable presently and the balance in annual payments of \$15,000, which will be discharged in twenty years. In addition we will be bound to remove them west of the Mississippi within five years, the period stipulated for their emigration, and to subsist them for one year after their arrival. These are the chief provisions in which the United States are interested. By the 2d (it is called in the treaty now submitted the "22," which, if the President should decide to lay it before the Senate, can be corrected by that body) article of the treaty of 6th November, 1838, there is reserved from the cession contained in that instrument ten miles square for the band of Me-to-sin-ia, in regard of which the 7th article says: "It is further stipulated that the United States convey by patent to Me-shing-go-me-zia, son of Ma-to-sin-ia, the tract of land reserved by the 22d article of the treaty of 6th of November, 1838, to the band of Ma to-sin-ia." This is a change as to the title of a reservation heretofore sanctioned and not now ceded, and, so far as the United States are concerned, does not vary the aspect of the present compact. There are reserved to the Chief Richardville seven sections of land, and to him and the family of the deceased Chief Godfroy are to be paid respectively considerable sums of money, which, it seems from the statement of General Milroy, were debts due to them and acknowledged by the tribe.

The treaty of November, 1838, which was ratified on the 8th February, 1839, extinguished the Indian title to about 177,000 acres of land, and cost the United States \$335,680, or nearly two dollars per acre. Measured by this price, the present arrangement would seem to be very advantageous. It is stated by Messrs. Milroy and Hamilton that more favorable terms will not be assented to by the Miamies under any circumstances, and considering the great importance of the adoption of this compact, however irregularly made, to the State of Indiana, as well as the belief that any postponement will probably swallow up what remains to these Indians in debts which they most improvidently contract, and the conviction that nothing can save them from moral ruin but their removal west, I think it would be judicious in all views of the matter to adopt and ratify this treaty, and respectfully recommend that it, with the accompanying papers, be laid before the President, and, if he and you concur in my views, that the sanction of it by the Senate be asked.

Respectfully submitted.

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,
Secretary of War.

The messages were read.

On motion by Mr. Norvell,

The Senate, by unanimous consent, proceeded to consider the nomination of Robert A. Forsyth.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Ordered, That the nominations of deputy postmasters be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nominations for promotion and appointment in the Army be referred to the Committee on Military Affairs.

The treaty with the Miami tribe of Indians was read.

On motion by Mr. Sevier,

Ordered, That the said treaty, with the message and accompanying documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 13th instant, the nominations of James S. McGinnis and David E. Moore, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

MONDAY, JANUARY 25, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

To the Senate of the United States :

I nominate G. A. Briant to be register of the land office for the district of lands subject to sale at Opelousas, in the State of Louisiana, vice Cesaire Delahoussaye, who has declined the appointment.

M. VAN BUREN.

WASHINGTON, *January 18th*, 1841.

Gentlemen of the Senate :

I nominate for your advice and consent Israel Hoge to be deputy postmaster at Zanesville, in the State of Ohio, in place of Asa R. Cassidy, resigned.

M. VAN BUREN.

To the Senate of the United States :

I nominate Lewis Warrington, a captain in the Navy, to be a member of the board of commissioners for the Navy of the United States from the 7th of October, 1840, when he was appointed to fill a vacancy occasioned by the resignation of Commo. Alexander S. Wadsworth.

M. VAN BUREN.

WASHINGTON, *January 20th*, 1841.

I nominate to the Senate William Macomb to be consul of the United States for the island of Trinidad.

M. VAN BUREN.

WASHINGTON, *January 20th*, 1841.

I nominate to the Senate Thomas Hulme, of Pennsylvania, to be consul of the United States for the port of Sedan, in France.

M. VAN BUREN.

WASHINGTON, *January 21st*, 1841.

The messages were read.

On motion by Mr. Norvell,

The Senate, by unanimous consent, proceeded to consider the nomination of G. A. Briant.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Ordered, That the nomination of Israel Hoge be referred to the committee on the Post-Office and Post-Roads.

Ordered, That the nomination of Lewis Warrington be referred to the Committee on Naval Affairs.

Ordered, That the nominations of William Macomb and Thomas Hulme be severally referred to the Committee on Commerce.

Mr. Benton, from the Committee on Military Affairs, to whom was referred, on the 18th instant, the nomination of Adam D. Steuart, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 8th instant, the nomination of Nathaniel Garrow, and on the 13th instant that of Francis I. Dunn, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Wall, from the same committee, to whom was referred, on the 17th instant, the nomination of Jonas L. Sibley, reported, with the recommendation of the committee that it be laid on the table.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 31st of December last, the treaty with Portugal, reported the same without amendment.

WEDNESDAY, FEBRUARY 3, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Robert Emmet Hooe, now passed midshipman, to be a lieutenant in the Navy from the 17th of December, 1840, to fill a vacancy occasioned by the resignation of Lieutenant William H. Kennon.

James M. Lockert, now a passed midshipman, to be a lieutenant in the Navy from the 21st of December, 1840, to fill a vacancy occasioned by the death of Lieut. Gurden C. Ashton.

William T. Muse, now a passed midshipman, to be a lieutenant in the Navy from the 29th of December, 1840, to fill a vacancy occasioned by the dismissal of Lieutenant Jno. C. Sharpe, under sentence of a court-martial.

M. VAN BUREN.

WASHINGTON, Jan'y 25th, 1841.

I nominate to the Senate Joseph N. Fearson to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, January 25th, 1841.

To the Senate of the United States :

I nominate Andrew I. Edmondson to be register of the land office for the district of lands subject to sale at Pontotoc, in the State of Mississippi, vice Robert Tennin, whose commission will expire on the 2d of March, 1841.

M. VAN BUREN.

WASHINGTON, *January 26th*, 1841.

I nominate to the Senate Fitz Henry McCready, of New York, to be consul of the United States for the port of Baracoa, in the Island of Cuba.

M. VAN BUREN.

WASHINGTON, *January —*, 1841.

I nominate to the Senate James H. Relfe to be marshal of the United States for the district of Missouri from the 1st day of March, 1841, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *January 29th*, 1841.

Gentlemen of the Senate :

I nominate, for your advice and consent, the following persons to be deputy postmasters at the several places named, for four years from the 20th February, 1841, at which time their present commissions will expire, viz :

William Woart, jr., at Augusta, Maine.

Adrian Hegeman at Brooklyn, N. Y.

Solomon Westcott at Hudson, N. Y.

Samuel Ritter at Reading, Penn.

David Cathcart at Dayton, Ohio.

Richard I. Crabb at Annapolis, Md.

Isham G. Searcy at Tallahassee, Florida.

Elihu W. N. Starr at Middleton, Conn., in the place of Joshua Stow.

M. VAN BUREN.

To the Senate of the United States :

I nominate Stephen W. Eaton to be surveyor for the district of Portland and Falmouth and inspector of the revenue for the port of Portland, in the State of Maine, vice R. H. Greene, deceased.

M. VAN BUREN.

WASHINGTON, *January 30th*, 1841.

I nominate to the Senate John L. Wilson to be attorney of the United States for the western district of Florida in the place of James T. Archer, resigned.

M. VAN BUREN.

WASHINGTON, *February 1st*, 1841.

To the Senate of the United States :

I nominate for reappointment the following officers of the customs, whose commissions will expire at the dates respectively annexed to their names, viz :

George Hudson to be collector of the customs for the district and inspector of the revenue for the port of Snow Hill, in the State of Maryland, from the 26th of February, 1841.

William Maxwell to be collector of the customs for the district and inspector of the revenue for the port of Sunbury, in the State of Georgia, from the 2d of March, 1841.

Lewis H. Marsteller to be collector of the customs for the district of Wilmington, in the State of North Carolina, from the 2d of March, 1841.

George W. Charles to be collector of the customs for the district of Camden and inspector of the revenue for the port of Elizabeth City, in the State of North Carolina, from the 2d of March, 1841.

Henry Crocker to be collector of the customs for the district and inspector of the revenue for the port of Barnstable, in the State of Massachusetts, from the 3d of March, 1841.

John B. Barton to be surveyor of the district and inspector of the revenue for the port of Providence, in the State of Rhode Island, from the 3d of March, 1841.

Robert Butler to be surveyor and inspector of the revenue for the port of Smithfield, in the State of Virginia, from the 3d of March, 1841.

M. VAN BUREN.

WASHINGTON, *Feb'y 2d*, 1841.

To the Senate of the United States :

I nominate for reappointment the following land officers, whose commissions will expire at the dates respectively annexed to their names, viz :

John S. Horner to be register of the land office for the district of lands subject to sale at Green Bay, in the Territory of Wisconsin, from the 1st of March, 1841.

William Dowsing to be register of the land office for the district of lands subject to sale at Columbus, in the State of Mississippi, from the 2d of March, 1841.

Thomas Simpson to be register of the land office for the district of lands subject to sale at Demopolis, in the State of Alabama, from the 2d of March, 1841.

M. VAN BUREN.

WASHINGTON, *February 2d*, 1841.

The messages were read.

Ordered, That the nominations of Robert Emmet Hooe, James M. Lockert, and William T. Muse be referred to the Committee on Naval Affairs.

Ordered, That the nomination of Joseph N. Fearson be referred to the Committee on the District of Columbia.

Ordered, That the nominations of Andrew I. Edmondson, John S. Horner, William Dowsing, and Thomas Simpson be severally referred to the Committee on Public Lands.

Ordered, That the nominations of Fitz Henry McCready, Stephen W. Eaton, George Hudson, William Maxwell, Lewis H. Marsteller, George W. Charles, Henry Crocker, John B. Barton, and Robert Butler be severally referred to the Committee on Commerce.

Ordered, That the nominations of James H. Relfe and John L. Wilson be severally referred to the Committee on the Judiciary.

Ordered, That the nominations of William Woart, jr., Adrian Hege-man, Solomon Westcott, Samuel Ritter, David Cathcart, Richard I. Crabb, Isham G. Searcy, and Elihu W. N. Starr be referred to the Committee on the Post-Office and Post-Roads.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 18th of January, the nominations of

Robert W. Carson, James Mitchell, William Cable, Joseph O. Jones, and Barnet Williams, and, on the 25th of January, that of Israel Hoge, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. King, from the Committee on Commerce, to whom was referred, on the 17th of December last, the nomination of S. H. Page; on the 28th of December, that of T. B. Livingston; on the 8th of January, that of George Strobel; and, on the 25th of January, those of William Macomb and Thomas Hulme, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Williams, from the Committee on Naval Affairs, to whom was referred, on the 17th of December last, the nomination of Rodman M. Price; and, on the 25th of January, that of Lewis Warrington, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

Mr. Williams, from the same committee, to whom was referred, on the 8th of January, the nomination of Robert Emmet Hooe, reported the same, with the recommendation of the committee that it be laid on the table.

On motion by Mr. Williams,

Ordered, That the said nomination be laid on the table.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 18th of January, the nominations of E. Steen, Levi P. Davidson, John W. T. Gardiner, Jefferson Van Horne, Jacob Currier, Thomas Jordan, Thomas Hendrickson, John D. Bacon, Richard S. Smith, and William Wall, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

On motion by Mr. Buchanan,

The Senate, as in the Committee of the Whole, proceeded to consider the treaty with Portugal; and no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution :

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, concluded at Lisbon the 26th day of August, in the year of our Lord eighteen hundred and forty.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 40.

Those who voted are,

Messrs. Allen, Anderson, Bates, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Clayton, Crittenden, Dixon, Fulton, Graham, Henderson, Hubbard, Kerr, King, Linn, Lumpkin, Mangum, Mouton, Nicholas, Nicholson, Norvell, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Tallmadge, Tappan, Wall, Webster, White, Williams, Wright.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. White, from the Committee on Indian Affairs, to whom was referred, on the 18th of January, the treaty with the Miami tribe of Indians, reported the same with amendments.

On motion by Mr. White,

Ordered, That the said amendments be printed in confidence for the use of the Senate.

On motion by Mr. Wall,

The Senate proceeded to consider the nomination of Jonas L. Sibley; and,

After debate,

Mr. Wall submitted a statement showing the practice under the several administrations of the Executive in making nominations to office to take effect after the expiration of the terms for which the Presidents making the nominations were elected.

On motion by Mr. Webster,

Ordered, That the said statement be printed in confidence for the use of the Senate.

THURSDAY, FEBRUARY 11, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Abelard Guthrie to be register of the land office for the district of lands subject to sale at Lima, in the State of Ohio, vice John P. Helfenstein, resigned.

M. VAN BUREN.

WASHINGTON, *Feb'y 4th*, 1841.

To the Senate of the United States:

I nominate John F. Kachler to be collector of the customs for the district and inspector of the revenue for the port of St. Mark's, in the Territory of Florida, vice Francis S. Beattie, removed.

M. VAN BUREN.

WASHINGTON, *Februarg 8th*, 1841.

I nominate to the Senate Amory Edwards to be consul of the U. States at Buenos Ayres, in the place of Alfred M. Slade, deceased.

M. VAN BUREN.

WASHINGTON, *Feb'y 8th*, 1841.

Gentlemen of the Senate:

I nominate for your advice and consent Sidney Abell to be deputy postmaster at Chicago, in the State of Illinois, for four years from the 3d of March, 1841, at which time his present commission will expire.

M. VAN BUREN.

To the Senate of the United States:

I nominate William H. Brown, Charles Steedman, William Lewis Herndon, John P. Parker, John F. Borden, James Alden, jr., Augustus L. Case, Roger Perry, Joseph W. Revere, Alexander M. Pennock, B. S. B. Darlington, George F. Emmons, Edward Middleton, Montgomery Lewis, George M. White, William S. Swann, Thomas T. Hunter, Albert A. Holcomb, Gustavus H. Scott, Richard Forrest, Levin Handy, David

McDougal, Charles F. McIntosh, James W. Cooke, Charles F. M. Spotswood, Henry C. Flagg, Daniel F. Dulany, George L. Selden, William H. Ball, John F. Mercer, James E. Brown, Charles Crillon Barton, John J. B. Walbach, Oliver H. Perry, Charles W. Morris, Joshua Humphreys, Richard Bache, jr., Francis E. Barry, John B. Dale, and Stephen Decatur, now passed midshipmen, to be lieutenants in the Navy.

M. VAN BUREN.

WASHINGTON, *Feb'y 8th*, 1841.

The messages were read.

Ordered, That the nomination of Abelard Guthrie be referred to the Committee on Public Lands.

Ordered, That the nominations of John F. Kachler and Amory Edwards be severally referred to the Committee on Commerce.

Ordered, That the nomination of Sidney Abell be referred to the Committee on the Post-Office and Post-Roads.

Ordered, That the nominations for promotion in the Navy be referred to the Committee on Naval Affairs.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 8th of January and the 3d instant, the nominations of Robert Emmet Hooe, James M. Lockert, and William T. Muse, reported them to the Senate, together with the following resolutions:

Resolved, That the Senate do not advise and consent to the appointment of Robert Emmet Hooe, now passed midshipman, to be a lieutenant in the from the 17th of December, 1840, it appearing that said Hooe is under suspension by sentence of a court-martial for a term not yet expired.

Resolved, That the nominations of Passed Midshipman James M. Lockert to be a lieutenant in the Navy, to fill a vacancy occasioned by the death of Lieutenant Gurdon C. Ashton, and of Passed Midshipman William T. Muse to be a lieutenant, to fill the vacancy occasioned by the dismissal of Lieutenant John C. Sharpe, under sentence of a court-martial, be laid upon the table for the present, to afford opportunity to give to Passed Midshipmen Lockert and Muse the dates to which they are entitled in consequence of the non-promotion of Passed Midshipman Hooe.

The Senate, by unanimous consent, proceeded to consider the said resolutions; and,

After debate,

On motion by Mr. Walker,

Ordered, That the further consideration of the same be postponed to Wednesday next, the 17th instant.

Mr. Rives submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy communicate to the Senate a copy of the proceedings of the court-martial by which Passed Midshipman Robert Emmet Hooe was suspended from the naval service for two years.

The Senate, by unanimous consent, proceeded to consider the said resolution, and agreed thereto.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 3d instant, the nominations of Andrew I. Edmondson, John S. Horner, and William Dowsing, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 3d instant, nominations of William Woart, jr., Adrian Hegeman, Samuel Ritter, David Cathcart, Richard I. Crabb, Isham G. Searcy, and Elihu W. N. Starr, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

WEDNESDAY, FEBRUARY 17, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary :

I nominate to the Senate William Nelson to be consul of the United States for the port of Panama, in the place of Ferdinand E. Hassler, resigned.

M. VAN BUREN.

WASHINGTON, *February 8th*, 1841.

To the Senate of the United States :

I nominate George B. Merwin to be collector of the customs for the district of Cuyahogo and inspector of the revenue for the port of Cleveland, in the State of Ohio, vice Samuel Starkweather, resigned.

M. VAN BUREN.

WASHINGTON, *Feb'y 10th*, 1841.

I nominate to the Senate Isaac Kell, senior, to be a justice of the peace for the county of Alexandria, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *February 11th*, 1841.

I nominate to the Senate Thomas Poiney to be consul of the United States for the port of Vera Cruz, in the place of Marmaduke Burrough, resigned.

M. VAN BUREN.

WASHINGTON, *February 13th*, 1841.

The messages were read.

Ordered, That the nominations of William Nelson, George B. Merwin, and Thomas Poiney be severally referred to the Committee on Commerce.

Ordered, That the nomination of Isaac Kell be referred to the Committee on the District of Columbia.

Mr. King, from the Committee on Commerce, to whom were referred, on the 3d instant, the nominations of George Hudson, William Maxwell, Lewis H. Marsteller, George W. Charles, Henry Crocker, John B. Barton, Robert Butler and Stephen W. Eaton, and, on the 11th instant, that of Amory Edwards, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of George Hudson, William Maxwell, Lewis H. Marsteller, George W. Charles, Stephen W. Eaton, and Amory Edwards, agreeably to their nominations respectively.

On motion by Mr. Huntington,

Ordered, That the nominations of Henry Crocker, John B. Barton, and Robert Butler, whose commissions will expire on the 3d of March next, be laid on the table.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 3d instant, the nominations of James H. Relfe and John L. Wilson, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Wall,

The Senate proceeded to consider the nomination of Jonas L. Sibley; and,

After debate,

On motion by Mr. Huntington,

Ordered. That it be postponed until to-morrow.

SATURDAY, FEBRUARY 20, 1841.

The Vice-President communicated a report from the Secretary of the Navy, transmitting, in obedience to a resolution of the Senate of the 11th instant, a copy of the proceedings of the court-martial in the case of Passed Midshipman Robert Emmet Hooe, which was read.

On motion by Mr. Williams,

The Senate resumed the consideration of the resolutions reported from the Committee on Naval Affairs in the case of Robert Emmet Hooe and others; and,

After debate,

On motion,

Ordered, That the further consideration of said resolutions be postponed until Monday next, the 22d instant.

Mr. King, from the Committee on Commerce, to whom was referred, on the 3d instant, the nomination of Fitz Henry McCready, and, on the 17th instant, those of William Nelson, Thomas Poiney, and George B. Merwin, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom was referred, on the 3d instant, the nomination of Thomas Simpson, and, on the 11th instant, that of Abelard Guthrie, reported.

On motion by Mr. Walker,

Ordered, That said nominations be laid on the table.

TUESDAY, FEBRUARY 23, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

I nominate to the Senate John Warren Grigsby to be consul of the United States for the port of Bordeaux, in France, in the place of George Strobel, appointed consul of the United States for the port of Mantanzas.

M. VAN BUREN.

WASHINGTON, *February 18th*, 1841.

I nominate to the Senate Peter A. Carnes to be consul of the United States for the port of Campeché, in Mexico, in the place of John L. McGregor, deceased.

M. VAN BUREN.

WASHINGTON, *February 20th*, 1841.

To the Senate of the United States :

I nominate Andrew Agnew to be surveyor for the district of Perth Amboy and inspector of the revenue for the port of New Brunswick, in the State of New Jersey, vice I. R. Hardenberg, deceased.

M. VAN BUREN.

WASHINGTON, *February 20th*, 1841.

I nominate to the Senate Philemon Dickerson to be judge of the United States for the district of New Jersey, in the place of Mahlon Dickerson, resigned.

M. VAN BUREN.

WASHINGTON, *February 22d*, 1841.

To the Senate of the United States :

I nominate John Branch to be receiver of public moneys for the district of lands subject to sale at Washington, in the State of Mississippi, vice Anthony W. Rabb, resigned.

M. VAN BUREN.

WASHINGTON, *February 22d*, 1840.

To the Senate of the United States :

I nominate William Gannt to be collector of the customs for the district and inspector of the revenue for the port of Natchez, in the State of Mississippi, vice T. A. S. Doniphan, resigned to take effect on the 1st of March, 1841.

M. VAN BUREN.

WASHINGTON, *Feb'y 22d*, 1841.

I nominate to the Senate Benjamin Franklin Mackall to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *February 23d*, 1841.

I nominate to the Senate Nathaniel P. Causin, jun'r, to be secretary to the President to sign patents, in the place of Martin Van Buren, jun'r, resigned.

M. VAN BUREN.

WASHINGTON, *Feb'y 23d*, 1841.

The messages were read.

Ordered, That the nominations of Andrew Agnew and William Gannt be referred to the Committee on Commerce.

Ordered, That the nomination of Philemon Dickerson be referred to the Committee on the Judiciary.

Ordered, That the nomination of Benjamin Franklin Mackall be referred to the Committee on the District of Columbia.

On motion by Mr. King,

The Senate, by unanimous consent, proceeded to consider the nominations of John Warren Grigsby and Peter A. Carnes.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

On motion by Mr. Walker,

The Senate, by unanimous consent, proceeded to consider the nominations of John Branch and Nathaniel P. Causin.

Whereupon

Resolved, That the Senate advise and consent to the appointment of those persons, agreeably to their nominations respectively.

On motion by Mr. Graham,

The Senate resumed the consideration of the resolutions reported by the Committee on Naval Affairs on the nomination of Robert Emmet Hooe and others; and,

After debate,

On motion by Mr. Calhoun,

The Senate adjourned.

WEDNESDAY, FEBRUARY 24, 1841.

The Senate resumed the consideration of the resolutions reported by the Committee on Naval Affairs on the nomination of Robert Emmet Hooe and others.

Mr. Bayard submitted the following amendment, to wit: Strike out the whole of said resolutions after the word "Resolved," and insert the following in lieu thereof:

That the Senate advise and consent to the appointment of Robert Emmet Hooe, according to the nomination, subject to the subsisting sentence of the court-martial by which he is suspended from the naval service on half pay.

After debate,

The said amendment was agreed to.

Whereupon it was

Resolved, That the Senate advise and consent to the appointment of Robert Emmet Hooe according to the nomination, subject to the subsisting sentence of the court-martial by which he is suspended from the naval service on half pay.

On motion by Mr. Graham,

Resolved, That the Senate advise and consent to the appointment of James M. Lockert and William T. Muse, agreeably to their nominations respectively.

THURSDAY, FEBRUARY 25, 1841.

Mr. Williams, from the Committee on Naval Affairs, to whom were referred, on the 11th instant, the nominations of William H. Brown, Charles Steedman, William Lewis Herndon, John P. Parker, John F. Borden, James Alden, jr., Augustus L. Case, Roger Perry, Joseph W. Revere, Alexander M. Pennock, B. S. B. Darlington, George F. Emmons, Edward Middleton, Montgomery Lewis, George M. White, William S. Swann, Thomas T. Hunter, Albert A. Holcomb, Gustavus H. Scott, Richard Forest, Levin Handy, David McDougal, Charles F. McIntosh, James W. Cooke, Charles F. M. Spotswood, Henry C. Flagg, Daniel F. Dulany, George L. Selden, William H. Ball, John F. Mercer, James E. Brown, Charles Crillon Barton, John J. B. Walback, Oliver H. Perry, Charles W. Morris, Joshua Humphreys, Richard Bache, jr., Francis E. Barry, John B. Dale, and Stephen Decatur reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The treaty with the Miami Indians was read the second time.

The Senate, as in Committee of the Whole, proceeded to consider the said treaty, together with the amendments reported thereto by the Committee on Indian Affairs, on the 3d instant; and,

After debate,

The said amendments were unanimously agreed to; and no further amendment having been made, the treaty thus amended was reported to the Senate, and the amendments were unanimously concurred in.

Mr. White submitted the following resolution:

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the treaty made and concluded at the forks of the Wabash, in the State of Indiana, the 28th day of November, in the year of our Lord eighteen hundred and forty, between Samuel Milroy and Allen Hamilton, acting as commissioners on the part of the United States and the chiefs, warriors, and headmen of the Miami tribe of Indians, with the following amendments: Provided, That the assent of the said Indians shall be properly obtained to the same, to wit:

In the 2d article strike out the words "two hundred and fifty" and insert three hundred; and in the latter clause of said article strike out "three hundred" and insert two hundred and fifty.

Add to the 3d article the following:

Two hundred and fifty thousand dollars of the sum set apart in the second article of this treaty shall be applied to the payment of debts contracted before the 28th day of November, 1840; and the residue of said sum, after such debts are satisfied, being fifty thousand dollars, to the payment of debts contracted between the last-named date and the time of the ratification of this treaty by the Senate, giving the preference in the application of said sum of fifty thousand dollars to debts contracted for provisions and subsistence.

In the 7th article strike out the words "twenty-second" and insert second.

In the same article, at the first period, insert to be held in trust by the said Meshing-go-mezia for his band, and the proceeds thereof, when the same shall be alienated, shall be equitably distributed to said band under the direction of the President.

In article 9 strike out "two hundred and fifty" and insert three hundred, and strike out the whole of that article after the word "ascertained."

Insert after article 11 an additional article:

ART. 12. The United States hereby stipulate to set apart and assign to the Miamies for their occupancy west of the Mississippi, a tract of country bounded on the east by the State of Missouri, on the north by the country of the Weas and Kaskaskias, on the west by the Pottawatomies, of Indiana, and on the south by the land assigned to the New York Indians, estimated to contain five hundred thousand acres.

The Senate, by unanimous consent, proceeded to consider said resolution.

On the question to agree thereto,

It was determined in the affirmative, { Yeas 23
Nays 5

Those who voted in the affirmative are,

Messrs. Anderson, Bates, Bayard, Benton, Clay of Alabama, Graham, Henderson, Huntington, King, Knight, Linn, Merrick, Nicholson, Preston, Rives, Sevier, Smith of Indiana, Tallmadge, Tappan, Walker, White, Wright, Young.

Those who voted in the negative are,

Messrs. Calhoun, Hubbard, Mouton, Smith of Connecticut, Williams.

Ordered, That the Secretary lay the said resolution before the President of the United States.

Mr. King, from the Committee on Commerce, to whom were referred, on the 23d instant, the nominations of Andrew Agnew and William Gaunt, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

SATURDAY, FEBRUARY 27, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate James McCornick, now borne on the Navy Register as a surgeon from the 5th of March, 1825, to be a surgeon in the Navy from the 10th of July, 1824, to remain on the register next below Surgeon Mordecai Morgan.

M. VAN BUREN.

WASHINGTON, *Feb'y 25th*, 1841.

To the Senate of the United States:

I nominate John I. Morgan to be collector of the customs for the district of New York, in the State of New York, vice Jesse Hoyt, who has tendered his resignation, to take effect as soon as he is duly notified of the appointment of his successor.

M. VAN BUREN.

WASHINGTON, *February 25th*, 1841.

To the Senate of the United States:

I nominate to the Senate Peter V. Daniel to be one of the associate justices of the Supreme Court of the United States in the place of Philip P. Barbour, deceased.

I nominate John Y. Mason to be district judge of the U. S. for the district of Virginia, in the place of Peter V. Daniel, appointed one of the associate justices of the S. Court.

M. VAN BUREN.

WASHINGTON, *February 26th*, 1841.

The messages were read.

On motion by Mr. King,

Ordered, That the nominations of Peter B. Daniel and John Y. Mason be laid on the table.

On motion by Mr. Wright,

The Senate, by unanimous consent, proceeded to consider the nomination of John I. Morgan; and,

After debate,

Resolved, That the Senate advise and consent to the appointment of John I. Morgan, agreeably to the nomination.

Ordered, That the nomination of James Cornick be referred to the Committee on Naval Affairs.

Mr. King, from the Committee on Commerce, to whom was referred, on the 11th instant, the nomination of John F. Kachler, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 23d instant, the nomination of Philemon Dickerson, reported.

Whereupon

Resolved, That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. Clayton, from the Committee on the District of Columbia, to whom

was referred, on the 17th instant, the nomination of Isaac Kell, senior, reported; and

Mr. Merrick, from the same committee, to whom was referred, on the 3d instant, the nomination of Joseph N. Fearson, and, on the 23d instant, that of Benjamin Franklin Mackall, also reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Isaac Kell, sen'r, Joseph N. Fearson, and Benjamin Franklin Mackall, agreeably to their nominations respectively.

On motion by Mr. Wall,

The Senate resumed the consideration of the nomination of Jonas L. Sibley, which was postponed on the 17th instant; and,

After debate,

On the question to agree to the recommendation of the Committee on the Judiciary to lay the said nomination on the table,

It was determined in the affirmative, { Yeas 30
Nays 13

On motion by Mr. Huntington,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Anderson, Bates, Bayard, Calhoun, Clay of Kentucky, Clayton, Cuthbert, Dixon, Graham, Henderson, Huntington, Kerr, King, Knight, Mangum, Merrick, Nicholson, Porter, Prentiss, Preston, Rives, Roane, Smith of Indiana, Southard, Sturgeon, Tallmadge, Walker, White, Williams.

Those who voted in the negative are,

Messrs. Benton, Clay of Alabama, Fulton, Hubbard, Linn, Lumpkin, Norvell, Pierce, Robinson, Smith of Connecticut, Wall, Wright, Young.

On motion by Mr. King,

The Senate resumed the consideration of the nominations of Henry Crocker, John B. Barton and Robert Butler, which were laid on the table on the 17th instant; and,

On motion by Mr. King,

Ordered, That the said nominations be laid on the table, for the same cause as that of Jonas L. Sibley, to wit, that the terms of office of those persons do not expire until the 3d of March, or until the termination of the existing executive term of office.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom was referred, on the 3d instant, the nomination of Solomon Westcott, and, on the 11th instant, that of Sidney Abell, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of Solomon Westcott, agreeably to the nomination.

On motion by Mr. Robinson,

Ordered, That the nomination of Sidney Abell be laid on the table, for the same cause as that of Jonas L. Sibley.

TUESDAY, MARCH 2, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate the persons named in the accompanying communication for promotion and appointment in the Army of the United States, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, February 27th, 1841.

WAR DEPARTMENT, *February 27th*, 1841.

SIR: I have the honor respectfully to propose for your approbation and transmission to the Senate, for its constitutional action thereon, the annexed list of officers for promotion and appointment in the Army of the United States.

Very respectfully, y^r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

WAR DEPARTMENT, *February 27th*, 1841.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

Second Regiment of Dragoons.

First Lieutenant S. B. Thornton to be captain, 1st February, 1841, vice Macomb, resigned.

First Lieutenant Charles A. May to be captain, 2d February, 1841, vice Bullock, resigned.

Second Lieutenant Ripley A. Arnold to be 1st lieutenant, 1st February, 1841, vice Thornton, promoted.

Second Lieutenant Z. M. P. Inge to be 1st lieutenant, 2d February, 1841, vice May, promoted.

Brevet Second Lieutenant Wm. Robertson to be 2d lieutenant, 1st February, 1841, vice Arnold, promoted.

Brevet Second Lieutenant William Steele to be 2d lieutenant, 2d February, 1841, vice Inge, promoted.

Third Regiment of Artillery.

First Lieutenant R. D. A. Wade to be captain, 26th December, 1840, vice Davidson, deceased.

Second Lieutenant Henry B. Judd to be first lieutenant, 26th December, 1840, vice Wade, promoted.

Fourth Regiment of Infantry.

First Lieutenant Charles H. Larned to be captain, 25th February, 1841, vice Collins, dismissed.

Second Lieutenant Richard H. Graham to be 1st lieutenant, 25th February, 1841, vice Larned, promoted.

Eighth Regiment of Infantry.

Second Lieutenant John A. Riell to be 1st lieutenant, 8th January, 1841, vice O'Brien, deceased.

Beyard Clark, of New York, to be 2d lieutenant, vice Riell, promoted.

Callender Irvine, Commissary-General of Purchases, to be reappointed Commissary-General of Purchases, whose present commission will expire on the 3d of March next.

Lieut. Colonel A. C. W. Fanning, of the 4th Regiment of Artillery, to be colonel by brevet, 31st December, 1835, for gallant and meritorious conduct in the battle near the Withlacoochie under General Clinch, and in the defense of Fort Mellon, Florida.

Lieut. Colonel William S. Harney, of the 2d Regiment of Dragoons, to be colonel by brevet, 7th December, 1840, for gallant and meritorious conduct in several successive engagements with the hostile Indians in Florida.

Captain Gabriel J. Raines, of the 7th Regiment of Infantry, to be

major by brevet, 28th of April, 1840, for gallant and meritorious conduct in the action with the Indians near Fort King, Florida.

I nominate John R. Fenwick to be consul of the United States for the city of Paris, in France, in the place of Daniel Brent, deceased.

M. VAN BUREN.

WASHINGTON, 2d March, 1841.

The messages were read.

Ordered, That the nominations for promotion and appointment in the Army be referred to the Committee on Military Affairs.

Mr. Clay, of Kentucky, submitted the following resolution on the nomination of John R. Fenwick:

Resolved, That the nomination be laid on the table, it being deemed by the Senate unnecessary and inexpedient to fill the office for which the nomination has been made.

On motion by Mr. King,

Ordered, That the nomination of John R. Fenwick and the resolution submitted by Mr. Clay, of Kentucky, be referred to the Committee on Commerce.

Mr. Williams, from the Committee on Naval Affairs, to whom was referred, on the 27th of February, the nomination of James Cornick, reported.

On motion by Mr. Williams,

Ordered, That the said nomination be laid on the table.

On motion by Mr. Roane,

The Senate resumed the consideration of the nomination of Peter V. Daniel; and,

After debate,

On motion by Mr. Mangum that the said nomination be laid on the table,

It was determined in the negative, {	Yeas	21
	Nays	25

On motion by Mr. Mangum,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Bates, Bayard, Choate, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, White.

Those who voted in the negative are,

Messrs. Allen, Anderson, Benton, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholson, Norvell, Pierce, Roane, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, Williams, Wright, Young.

On motion by Mr. Huntington that the nomination be referred to the Committee on the Judiciary,

It was determined in the negative, {	Yeas	19
	Nays	25

On motion by Mr. Huntington,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Bates, Bayard, Choate, Clay of Kentucky, Dixon, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, White.

Those who voted in the negative are,

Messrs. Allen, Anderson, Benton, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholson, Nor-

vell, Pierce, Roane, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, Williams, Wright, Young.

On motion by Mr. Roane that the Senate advise and consent to the appointment of Peter V. Daniel, agreeably to the nomination,

On motion by Mr. Huntington,

The yeas and nays being desired by one-fifth of the Senators present,

A quorum not being present,

On motion by Mr. Pierce,

Ordered, That the Sergeant at-Arms summon the absent members to appear forthwith in the Senate.

A quorum being present,

The question recurred on the motion of Mr. Roane that the Senate advise and consent to the appointment of Peter V. Daniel, agreeably to the nomination; and,

The yeas and nays having been previously ordered,

It was determined in the affirmative, { Yeas 22
Nays 5

Those who voted in the affirmative are,

Messrs. Allen, Anderson, Benton, Calhoun, Cuthbert, Fulton, Hubbard, Linn, Lumpkin, Mouton, Nicholson, Norvell, Pierce, Roane, Sevier, Smith of Connecticut, Sturgeon, Tappan, Wall, Williams, Wright, Young.

Those who voted in the negative are,

Messrs. Clay of Alabama, King, Robinson, Smith of Indiana, Walker.

So it was

Resolved, That the Senate do advise and consent to the appointment of Peter V. Daniel, agreeably to the nomination.

The Senate resumed the consideration of the nomination of John Y. Mason.

Whereupon

Resolved, That the Senate advise and consent to the appointment of John Y. Mason, agreeably to the nomination.

On motion by Mr. Norvell,

Ordered, That the injunction of secrecy be removed from the proceedings of the Senate on the nomination of Peter V. Daniel.

WEDNESDAY, MARCH 3, 1841.

The following messages were received from the President of the United States, by Mr. Van Buren, his secretary:

To the Senate of the United States:

I nominate Francis Price to be assistant collector of the customs for the district of New York, to reside at Jersey City, in the State of New Jersey, vice John M. Cornelison, resigned.

M. VAN BUREN.

WASHINGTON, *March 2d*, 1841.

I nominate Anthony Rheintzell to be consul of the United States for the port of Cette, in France.

M. VAN BUREN.

WASHINGTON, *March 3d*, 1841.

I nominate to the Senate Stanhope Prevost to be consul of the United States for the port of Lima, in Peru, in the place of Edwin Bartlet, resigned.

M. VAN BUREN.

WASHINGTON, *3d March*, 1841.

The messages were read.

On motion by Mr. Southard that the nomination of Francis Price be laid on the table,

It was determined in the affirmative, { Yeas..... 21
Nays..... 15

On motion by Mr. Wall,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Bayard, Choate, Clay of Alabama, Dixon, Fulton, Graham, Henderson, Huntington, King, Mangum, Merrick, Phelps, Porter, Preston, Rives, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, White.

Those who voted in the negative are,

Messrs. Allen, Benton, Calhoun, Cuthbert, Linn, Nicholson, Norvell, Pierce, Sturgeon, Tappan, Walker, Wall, Williams, Wright, Young.

So it was

Ordered, That the nomination of Francis Price be laid on the table.

On motion by Mr. Mangum,

Ordered, That the nominations of Anthony Reintzell and Stanhope Prevost be laid on the table.

Mr. Pierce, from the Committee on Military Affairs, to whom were referred, on the 2d instant, the nominations of S. B. Thornton, Charles A. May, Ripley A. Arnold, Z. M. P. Inge, Wm. Robertson, William Steele, R. D. A. Wade, Henry B. Judd, Charles H. Larned, Richard H. Graham, John A. Riell, Beyard Clark, Callender Irvine, A. C. W. Fanning, William S. Harney, and Gabriel I. Raines, reported.

Whereupon

Resolved, That the Senate advise and consent to the promotion and appointment of the said persons, agreeably to their nominations respectively.

Mr. Norvell, from the Committee on Commerce, to]whom was referred, on the 27th February, the nomination of John R. Fenwick,, and the resolution submitted by Mr. Clay, of Kentucky, in relation thereto, reported the said nomination and resolution to the Senate, with an amendment to the latter, to wit :

Strike out the whole of said resolution after the word "Resolved," and insert the following in lieu thereof:

That the nomination of John R. Fenwick to be consul of the United States for the city of Paris, in France, be laid upon the table, it being deemed expedient to discontinue the office for which the nomination has been made.

On motion by Mr. Fenwick that the nomination, together with the resolution and amendment thereto reported by the committee, be laid upon the table,

It was determined in the affirmative, { Yeas..... 19
Nays..... 15

On motion by Mr. Benton,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Bayard, Calhoun, Choate, Clay of Alabama, Dixon, Graham, Henderson, Huntington, Mangum, Merrick, Phelps, Porter, Preston, Rives, Ruggles, Smith of Indiana, Southard, Tallmadge, White.

Those who voted in the negative are,

Messrs. Allen, Benton, Cuthbert, Fulton, King, Linn, Nicholson, Norvell, Sturgeon, Tappan, Walker, Wall, Williams, Wright, Young.

So it was

Ordered, That the nomination of John R. Fenwick, together with the resolution submitted by Mr. Clay, of Kentucky, in relation thereto, and the amendment reported by the Committee on Commerce to the same, be laid upon the table.